

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE:	:	Case No. 15-23230-CMB
	:	
Sandra L. McAteer,	:	Chapter 13
	:	
Debtor	:	
	:	
<hr/> Sandra L. McAteer,	:	
	:	
Movant	:	Document No. 85
	:	
vs.	:	Hearing Date & Time:
	:	September 19, 2018 at 10 :00 AM
	:	
US Bank Trust National Association,	:	
	:	
Respondent	:	
	:	
and	:	
	:	
Ronda J. Winnecour, Esquire	:	
(Trustee),	:	
Additional	:	
Respondent	:	
	:	

**OBJECTION TO PROOF OF CLAIM NUMBER 10-1
FILED BY US BANK TRUST NATIONAL ASSOCIATION**

AND NOW comes the Debtor, Sandra McAteer, by and through her attorney, Lawrence W. Willis, Esquire, of the law firm of Willis & Associates, and files the within Objection to Proof of Claim Number 10-1 Filed by US Bank Trust National Association, and in support of avers as follows:

1. The Movant is Sandra McAteer, an adult individual presently residing at 781 Illini Drive, Monroeville, PA 15146.
2. The Movant is the Debtor in the above-captioned bankruptcy case.
3. Respondent, US Bank Trust National Association, a financial lending institution organized and existing under the laws of Texas, and at all times relevant hereto,

was doing business in the Western District of Pennsylvania, and utilized the mailing address of 1425 Greenway Drive, Suite 400, Irving, TX 75038.

4. The Debtor commenced this case on September 4, 2015 by filing a voluntary petition for relief under chapter 13 of Title 11 of the United States Code.
5. The Respondents filed a proof of claim alleging a debt owed in the amount of Eighty Nine Thousand Six Hundred Ninety Seven Dollars and Sixty One Cents (\$89,697.61). A copy of the Proof of Claim is attached hereto and marked as Exhibit "A".
6. The Respondent, US Bank Trust National Association, was properly listed as a creditor on the Debtors' bankruptcy petition.
7. The Respondent has received all notices and orders setting deadlines in this case.
8. The deadline to file a Proof of Claim for all creditors in this case was February 1, 2016.
9. The Respondent has filed with this Court a Proof of Claim on June 15, 2018.
10. The Respondent's Proof of Claim was untimely filed.
11. The Respondents did not seek approval from this Court to file a late claim.
12. The Respondents did not seek approval from this Court to modify this Court's Order Confirming the Debtors' Chapter 13 Plan.
13. The Respondents proof of claim lists arrears of Eleven Thousand Nineteen Dollars and Forty Two Cents (\$11,019.42).
14. The Debtors chapter 13 plan lists arrears at Zero due to a trial modification in the Debtors previous chapter 13 bankruptcy case. A copy of the Signed Trial Modification Order is attached as Exhibit "B".

15. The Trial modification payments were set and the Payments made by the Trustee.
Attached as Exhibit "C".
16. Including the amount of arrears listed in the Respondents proof of claim would make the payment unaffordable.
17. The Proof of claim was untimely and due to this the arrears cannot be cured before the case would be set to close.

WHEREFORE, the Debtor prays that this Court enter an order for the following:

- A. Holding that the claim of US Bank Trust National Association is an untimely filed claim.
- B. Holding that the claim of the Respondent, US Bank Trust National Association, be disallowed.
- C. For such additional or alternative relief as may be just and proper.

Respectfully submitted,

Date: July 23, 2018

By: /s/ Lawrence Willis Esquire
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